

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No. MO-0053627

Owner: FI Missouri Remediation Trust – SELS Administrative Services LLC as Trustee
Address: 4400 College Blvd., Suite 350, Overland Park, KS 66211

Continuing Authority: Same as above
Address: Same as above

Facility Name: Farmland Industries – Gypstack Property
Facility Address: 301 State Line Ave., Joplin, MO 64802

Legal Description: NW ¼, SW ¼, Sec. 02, T27N, R34W, Jasper County
Receiving Stream: Short Creek (U)
First Classified Stream and ID: Out State Classified (09999)
USGS Basin & Sub-watershed No.: (11070207-160050)

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

All outfalls – Industry – SIC # 2048, 2874

Outfall #001 – Now under permit number # MO-0128155.

Outfall #002 – Eliminated.

Outfall #003 – Seepage and runoff from waste phosphogypsum pile and storm water from plant site collected in Short Creek and pumped to chemical precipitation treatment plant where it is treated and discharges.
Design flow is 0.360 MGD.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

January 14, 2003 September 23, 2004
Effective Date (Revised)

Stephen M. Mahfood, Director, Department of Natural Resources
Executive Secretary, Clean Water Commission

January 13, 2008
Expiration Date

R. Bruce Martin, Director, Southwest Regional Office

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 2 of 6	
					PERMIT NUMBER MO-0053627	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Outfall #003</u>						
Flow	MGD	*		*	once/month	24 hr. estimate
Total Suspended Solids	mg/L	100		50	once/month	grab
pH – Units	SU	**		**	once/month	grab
Temperature	°F	*		*	once/month	grab
Total Phosphorus	mg/L	1.0		*	once/month	grab
Fluoride	mg/L	12.0		8.0	once/month	grab
Nitrate & Nitrite as N	mg/L	*		*	once/month	grab
Ammonia as N	mg/L	*		*	once/month	grab
Sulfate	mg/L	*		*	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>MONTHLY</u> ; THE FIRST REPORT IS DUE <u>OCTOBER 28, 2004</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Part I</u> STANDARD CONDITIONS DATED <u>October 1, 1980</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 3 of 6	
PERMIT NUMBER MO-0053627						
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		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Short Creek at State Line – Downstream monitoring point (Note 1)						
Flow	MGD	*		*	once/month	24 hr. estimate
Total Suspended Solids	mg/L	*		*	once/month	grab
pH – Units	SU	**		**	once/month	grab
Temperature	°F	*		*	once/month	grab
Total Phosphorus	mg/L	1.0		*	once/month	grab
Fluoride	mg/L	12.0		8.0	once/month	grab
Nitrate & Nitrite as N	mg/L	*		*	once/month	grab
Ammonia as N	mg/L	*		*	once/month	grab
Sulfate	mg/L	*		*	once/month	grab
MONITORING REQUIREMENTS SHALL BE SUBMITTED MONTHLY; THE FIRST REPORT IS DUE OCTOBER 28, 2004.						
Short Creek at Stateline - Downstream monitoring point where Short Creek leaves Farmland Industries, Inc. property. Whole Effluent Toxicity (WET) Test	% Survival	(See Special Condition #5)			twice/year in June and December	grab
MONITORING REPORTS SHALL BE SUBMITTED BI-ANNUALLY; THE FIRST REPORT IS DUE (See Special Condition #5). THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
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A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

* Monitoring requirement only.

** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0 pH units.

Note 1 – Effluent limitations for the downstream monitoring point to be achieved in-stream where Short Creek leaves Farmland Industries, Inc. – Joplin Plant property. Exact location to be approved by the department and marked in the field.

C. SPECIAL CONDITIONS

1. This permit may be reopened and modified, or alternatively revoked and reissued, to:
 - (a) Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
 - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) controls any pollutant not limited in the permit.
 - (b) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
 - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.
2. All outfalls must be clearly marked in the field.
3. Permittee will cease discharge by connection to areawide wastewater treatment system within 90 days of notice of its availability.
4. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
 - (4) The level established in Part A of the permit by the Director.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant, which was not reported in the permit application.
5. Whole Effluent Toxicity (WET) tests shall be conducted as follows:

SUMMARY OF WET TESTING FOR THIS PERMIT				
OUTFALL	A.E.C. %	FREQUENCY	SAMPLE TYPE	MONTH
Short Creek at State Line	100%	twice/year	Grab	June and December

- (a) Test Schedule and follow-up Requirements
 - (1) Perform a single-dilution test in the months and at the frequency specified above.

C. SPECIAL CONDITIONS (continued)

If the effluent passes the test, do not repeat the test until the next test period. Submit results with the annual report.

If the effluent fails the test, a multiple dilution test shall be performed within 30 days, and biweekly thereafter, until one of the following conditions are met:

- a. THREE CONSECUTIVE MULTIPLE-DILUTION TESTS PASS. No further tests need to be performed until next regularly scheduled test period.
- b. A TOTAL OF THREE MULTIPLE-DILUTION TESTS FAIL.

- (2) The permittee shall submit a summary of all test results for the test series to the WPCP, Planning Section, P.O. Box 176, Jefferson City, MO 65102 within 14 days of the third failed test. DNR will contact the permittee with initial guidance on conducting a toxicity identification evaluation (TIE) or toxicity reduction evaluation (TRE). The permittee shall submit a plan for conducting a TIE or TRE to the Planning Section of the WPCP within 60 days of the date of DNR's letter. This plan must be approved by DNR before the TIE or TRE is begun. A schedule for completing the TIE or TRE shall be established in the plan approval.
- (3) Upon DNR's approval, the TIE/TRE schedule may be modified if toxicity is intermittent during the TIE/TRE investigations. A revised WET test schedule may be established by DNR for this period.
- (4) If a previously completed TIE has clearly identified the cause of toxicity, additional TIEs will not be required as long as effluent characteristics remain essentially unchanged and the permittee is proceeding according to a DNR approved schedule to complete a TRE and reduce toxicity. Regularly scheduled WET testing as required in the permit, without the follow-up requirements, will be required during this period.
- (5) In addition to the WET test summary report required in part (2), all failing test results shall be reported to DNR within 14 days of the availability of the results.
- (6) All WET test results for the reporting period shall be summarized and submitted to DNR by the end of the following October. When WET test sampling is required to run over one DMR period, each DMR report shall contain information generated during the reporting period.

(b) PASS/FAIL procedure and effluent limitations

- (1) To pass a single-dilution test, mortality observed in the AEC test concentration shall not be significantly different (at the 95% confidence level; $p = 0.05$) than that observed in the upstream receiving-water control sample. The appropriate statistical tests of significance will be those outlined in the most current USEPA acute toxicity manual or those specified by the MDNR.
- (2) To pass a multiple-dilution test:
 - a. the computed percent effluent at the edge of the zone of initial dilution, Acceptable Effluent Concentration (AEC), must be less than three-tenths (0.3) of the LC_{50} concentration for the most sensitive of the test organisms; or,
 - b. all dilutions equal to or greater than the AEC must be nontoxic. Failure of one multiple-dilution test is an effluent limit violation.

(c) Test Conditions

- (1) Test species: *Ceriodaphnia dubia* and *Pimephales promelas* (fathead minnow). Organisms used in WET testing should come from cultures reared for the purpose of conducting toxicity tests and should be cultured in a manner consistent with the most current USEPA guidelines. All test animals should be cultured as described in EPA-600/4-90/027.
- (2) Test period: 48 hours at the "Acceptable Effluent Concentration" (AEC) specified above.

C. SPECIAL CONDITIONS (continued)

- (3) When dilutions are required, upstream receiving stream water shall be used as dilution water. If upstream water is unavailable or if mortality in the upstream water exceeds 10%, "reconstituted" water will be used as dilution water. Procedures for generating reconstituted water will be supplied by the MDNR upon request.
 - (4) Tests should be initiated immediately after the sample is collected, but tests must be initiated no later than 36 hours after sample collection.
 - (5) Single-dilution tests will be run with:
 - a. Effluent at the AEC concentration;
 - b. 100% receiving-stream water (if available), collected upstream of the outfall at a point beyond any influence of the effluent; and
 - c. reconstituted water.
 - (6) Multiple-dilution tests will be run with:
 - (a) 100%, 50%, 25%, 12.5%, and 6.25% effluent, unless the AEC is less than 25% effluent, in which case dilutions will be 4 times the AEC, two times the AEC, AEC, 1/2 AEC and 1/4 AEC;
 - (b) 100% receiving-stream water (if available), collected upstream of the outfall at a point beyond any influence of the effluent; and
 - (c) reconstituted water.
 - (7) If reconstituted-water control mortality for a test species exceeds 10%, the entire test will be rerun.
6. Report as no-discharge when a discharge does not occur during the report period.
7. General Criteria. The following water quality criteria shall be applicable to all waters of the state at all times including mixing zones. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
- (a) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
 - (b) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
 - (c) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
 - (d) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;
 - (e) There shall be no significant human health hazard from incidental contact with the water;
 - (f) There shall be no acute toxicity to livestock or wildlife watering;
 - (g) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - (h) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.

SUMMARY OF TEST METHODOLOGY FOR WHOLE-EFFLUENT TOXICITY TESTS

Whole-effluent-toxicity test required in NPDES permits shall use the following test conditions when performing single or multiple dilution methods. Any future changes in methodology will be supplied to the permittee by the Missouri Department of Natural Resources (MDNR). Unless more stringent methods are specified by the DNR, the procedures shall be consistent with the most current edition of Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms.

Test conditions for Ceriodaphnia dubia:

Test duration:	48 h
Temperature:	25 ± 1°C Temperatures shall not deviate by more than 3°C during the test.
Light Quality:	Ambient laboratory illumination
Photoperiod:	16-h light, 8-h dark
Size of test vessel:	30 ml (minimum)
Volume of test solution:	15 ml (minimum)
Age of test organisms:	<24 h old
No. of animals/test vessel:	5
No. of replicates/concentration:	4
No. of organisms/concentration:	20 (minimum)
Feeding regime:	None (feed prior to test)
Aeration:	None
Dilution water:	Upstream receiving water; if no upstream flow, synthetic water modified to reflect effluent hardness.
Endpoint:	Pass/Fail (Statistically significant Mortality when compared to upstream receiving water control or synthetic control if upstream water was not available at $p \leq 0.05$)
Test acceptability criterion:	90% or greater survival in controls

Test conditions for Pimephales promelas:

Test duration:	48 h
Temperature:	25 ± 1°C Temperatures shall not deviate by more than 3°C during the test.
Light Quality:	Ambient laboratory illumination
Photoperiod:	16-h light/ 8-h dark
Size of test vessel:	250 ml (minimum)
Volume of test solution:	200 ml (minimum)
Age of test organisms:	1-14 days (all same age)
No. of animals/test vessel:	10
No. of replicates/concentration:	4 (minimum) single dilution method 2 (minimum) multiple dilution method
No. of organisms/concentration:	40 (minimum) single dilution method 20 (minimum) multiple dilution method
Feeding regime:	None (feed prior to test)
Aeration:	None, unless DO concentration falls below 4.0 mg/L; rate should not exceed 100 bubbles/min.
Dilution water:	Upstream receiving water; if no upstream flow, synthetic water modified to reflect effluent hardness.
Endpoint:	Pass/Fail (Statistically significant Mortality when compared to upstream receiving water control or synthetic control if upstream water was not available at $p \leq 0.05$)
Test Acceptability criterion:	90% or greater survival in controls